

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-12 are currently pending. Claims 1, 5, and 9 are independent. Claims 1-12 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 9 and page 20.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-3, 5-7 and 9-11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,643,702 to Yeung in view of U.S. Patent No. 6,625,745 to Johnson, et al.

Independent claim 1, as amended, recites, *inter alia*:

“...transmitting means for determining, according to the destination information, whether the node serving as a destination of the data is connected to one of the buses, and, when it determines that the node is not connected, a data transmission source receives a predetermined error information;

wherein **at least one packet** of data is transmitted in an **asynchronous mode independent of a routing table**. (emphasis added)

As understood by Applicants, Yeung relates to a method for initializing an **eligibility bit map** and determining whether at least one eligible route has required resources available. Yeung defines cycle skewing as “when a large asynchronous packet is sent over a bus and the large packet is late, which may delay the start of the next cycle”. Therefore, Applicants submit that Yeung addresses the issue of cycle skewing such as an “unordered” condition, in which a second packet is sent out before a first packet. However, Applicants submit that Yeung does not address the issue of **resending** a large asynchronous packet more than once, specifically when the destination of the large packet is NOT connected within the communication system. (emphasis added)

Applicants note that the Office Action concedes that Yeung does not disclose determining the destination node in not connected.

As understood by Applicants, Johnson relates to identifying a failing component in a network with a minimum of testing that was developed to support the Compaq Computer ServerNet system area LAN technology. Johnson specifically mentions that the methods and apparatus disclosed can be applied to any **LAN based system with routing tables that are fixed and known for the duration of the testing**. (emphasis added)

Applicants submit that nothing has been found in Yeung or Johnson, taken alone or in combination that would teach or suggest the above-identified features of claim 1.

Furthermore, Applicants submit that the combination of Yeung and Johnson would yield some combination that has a **LAN based system with routing tables that are fixed and known** with a 1394 network that is trying to correct “cycle skewing” and **not** a data

transmitting apparatus in which at least one packet of data is transmitted in an asynchronous mode independent of a routing table, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, amended independent claims 5 and 9 are also believed to be patentable.

Therefore, Applicants submit that independent claims 5 and 9 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By Thomas F. Presson
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800